

Notice of Allowability

Application No.

10/081,655

Examiner

Shun Lee

Applicant(s)

DALY ET AL.

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1 September 2004.
2. ☒ The allowed claim(s) is/are 1-6,9-14,16,18,19,21-31 and 33-42.
3. ☒ The drawings filed on 14 August 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 13 September 2004, Jeffrey J. Miller (39773) 617-535-4000 requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 50-1133 the required fee of \$55 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- (a) in claim 1, "(Previously amended)" on line 1 has been replaced by --(Previously presented)--;
- (b) in claim 7, "(Previously canceled)" on line 1 has been replaced by --(Canceled)--;
- (c) in claim 8, "(Previously canceled)" on line 1 has been replaced by --(Canceled)--;
- (d) in claim 9, "(Previously amended)" on line 1 has been replaced by --(Previously presented)--;
- (e) in claim 10, "(Previously amended)" on line 1 has been replaced by --(Previously presented)--;
- (f) in claim 11, "(Previously amended)" on line 1 has been replaced by --(Previously presented)--;
- (g) in claim 15, "(Previously canceled)" on line 1 has been replaced by --(Canceled)--;

- (h) in claim 17, "(Previously canceled)" on line 1 has been replaced by --(Canceled)--;
- (i) in claim 19, "(Previously amended)" on line 1 has been replaced by --(Previously presented)--;
- (j) in claim 20, "(Previously canceled)" on line 1 has been replaced by --(Canceled)--;
- (k) in claim 23, "(Previously amended)" on line 1 has been replaced by --(Previously presented)--;
- (l) in claim 32, "(Previously canceled)" on line 1 has been replaced by --(Canceled)--;
- (m) in claim 43, "(Canceled) A sample cell according to claim 23, wherein a height of the cell defined between the end walls is relatively small compared to a width of the cell defined by the side wall." on lines 1-2 has been replaced by --(Canceled)--;
and
- (n) in claim 44, "(Canceled) A sample cell according to claim 43, wherein the width of the cell is at least twenty times greater than the height of the cell." on lines 1-2 has been replaced by --(Canceled)--.

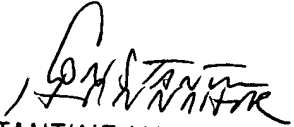
Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shun Lee whose telephone number is (571) 272-2439. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878